B

App. F. IX-4

Previous References. (1943-44 War) W File No. 22-43.
Serial Nos. 38.

Later References.
W 1044-12

PS

GENERAL AND REVENUE SECRETARIAT

Serial Nos. One only

Part B for July 1944.

SUBJECT

Amendments to the Defence of India Rules.

Jos. Krishnan
12.7.44.

Amendments to Defence of India Rules

Continuation Sheet. File No. W / Current No. 22 of 43. Page.

Kind reference is invited to Defence Dept notification No 5 DC (6)/44 dt 9-6-44 substituting a new rule for Rule 94A of the Defence of India Rules re control of capital issues.

There is no material change except that provision is made in clause 2(bb) for recognition of an issue of capital outside B. India.

Submitted for orders if the proposed amendment may be adopted here.

In clause (8) prohibition of dealings in securities related to capital issued after 17-5-43 i.e the date of issue of the original rule 94A. The corresponding rule 94A was issued in Mysore on 25-10-43. Hence the date with effect from which the amendment may be adopted here.

Submitted with a draft notification.

16/6/44

JV. Rule may be approved

16/6

I think the Ext

3032/W Amendments to a Defence of India Rules.

Continuation Sheet. File No. / Current No. of Page.

22

amendment may be adopted

Min Def
& Irwin
Min H Dept
& Law Secy

W 24/6/44

PM 29.6.44

The draft may be approved
Law Secy) 30.6.44

30 JUNE 1944 GOVT OF MYSORE

6481

7.3.57

OFFICE OF THE MINISTER FOR EDUCATION
Date 30-6-44
No. 8580

Cr 30/6/44
30.6.44

1/7

PM 5/7/44

W 5/7/44

may the draft issue.

5/7/44.

Sd

Home Notification No 46/W dated 6/7/44
to be Compiled

Mem 41/W. Regr of S.C
Cons Jud Left.

5 JULY 1944 GEN. & REV. SECTT.

1-7

5 Copies.

W40/W22-43-38.

NOTIFICATION.

In exercise of the powers conferred by section 2 of the Defence of India Act, 1939 (XXXV of 1939), as applied to Mysore, the Government of His Highness the Maharaja are pleased to direct that the following further amendment shall be made in the Defence of India Rules, ~~xxxxxxx~~ in force in Mysore, namely:-

For rule 94A of the said Rules, the following rule shall be substituted, namely:-

"94A. Control of Capital Issues - (1) For the purpose of this Rule -

(a) securities shall mean the following instruments issued or to be issued by or for the benefit of a company, viz., (i) shares, stocks and bonds, (ii) debentures, (iii) other instruments creating a charge or lien on the assets of the company, and (iv) instruments acknowledging loan to or indebtedness of the company and guaranteed by a third party or entered into jointly with a third party;

(b) a person shall be deemed to make an issue of capital who issues any securities whether for cash or otherwise.

(2) (a) No company, whether incorporated in Mysore or not, shall except with the consent of the ~~Central~~ Mysore Government -

(i) make an issue of capital in Mysore

(ii) make in Mysore any public offer of securities for sale;

(iii) renew or postpone the date of maturity or repayment of any security maturing for payment in Mysore

(b) The Government may on application make an order according recognition to an issue of capital made or to be made outside Mysore by a company not incorporated in Mysore.

(3) The Government may qualify any consent or recognition accorded by it under sub-rule (2) with such conditions whether for immediate or future fulfilment, as it may think fit to impose; and where a company acts in pursuance of such consent or recognition, it shall comply with the terms of any condition so imposed.

(4) No company incorporated in Mysore shall, except with the consent of the Government, make an issue of capital outside Mysore.

(5) No person shall issue in Mysore any prospectus or other document offering for subscription or publicly offering for sale any security which does not include a statement that the consent or recognition, as the case may be, of the Government has been obtained to the issue or offer of the securities.

(6) The Government may by order condone a contravention of sub-rule (2), sub-rule (4) or sub-rule (5) and on the making of such order the provisions of this rule shall have effect as if an exemption had been granted under this rule from the operation of sub-rule (2), sub-rule (4) or sub-rule (5) as the case may be, in favour of the thing done in contravention of such sub-rule.

(7) No person shall accept or give any consideration for any securities in respect of an issue of capital made or proposed to be made in Mysore or elsewhere unless the consent or recognition of the Government has been accorded to such issue of capital.

(8) No person shall sell or purchase or otherwise

transfer or accept transfer of any securities issued by a company in respect of any issue of capital made after the 25th Nov 1943 ~~17th May~~ in Mysore or elsewhere unless such issue has been made with the consent or recognition of the Government.

(9) The Government may by special or general order grant exemption from all or any of the provisions of this rule.

(10) If any person contravenes the provisions of this rule he shall be punishable with imprisonment for a term, which may extend to five years or with fine or with both."

By order,

24/6/44

Chief Secretary to Government.

~~Memo.~~

20 The exemption no. 9 for publication in part IV of the Mysore Gazette. Supply of 100 copies to this office, 25 to D. G. P. & 20 each to D. of H.C.

Memo. No. W41

Copy to Reg. of J. S. Companies

✓ 1/ Tel Secy

SG.